File No. 26

Serial Nos. 1 to 6

1906-7

GENERAL AND REVENUE SECRETARIAT.

(Sch Rev)

Part A: Manuscript
for February

Serial Nos.

Petition of Dodda Ranga of Hennur Village, Bangalore Tk praying for the remission of the heavy fine imposed upon him for having unsufficiently stamped a document

G. R. S. 11] 1906

GENERAL AND REVENUE SECRETARIAT

(Sep-Rev.)

NOTES.

File. No 2695

FILE HEADING.

Petition from Dodda Nanja of Hennur village, Bangalore taluk

From

Dodda Nanja, Hennur village, Bangalore taluk.

No. Pet. Dated Received 13-8-06

Diary No. 682	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Prays for the refund of the heavy fine of Rs 175/- imposed upon him on a document insufficiently stamped.

NOTES AND ORDERS.

2 Petn. dy 13/8/06 from Puttaiah brother of the 1st Petr. w/ enclosures & copy the endorsement no 529 3/8/06 given by the Amildar of Bangalore Commr. Cabinet ltr to Comm. order no 42 declining

NOTES—First sheet.

MGCPB—30,000—17-2-05.

G.R.S. 12]
General and Revenue Secretariat.

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to reconsider the order passed by his predecessor

From the petition & the endorsement for mis. application & the first petn it is not clear who levied the Stamp duty & penalty. The prayer is towards for the remission of the ~~duty~~ penalty levied & if allowed the petition may be forwarded to the D.C. for report & draft order for allowance or otherwise

20/8/06

Prima facie this is a hard case - that a poor ignorant ryot should be levied the heavy fine of Rs 175/-, and I think that a stay order regarding the recovery of the fine as prayed for by the petitioners is not misplace

21/8

Please call for an early report - the document is a sale deed & partition deed & ignorance thereof are

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

G.R.S. 12]

General and Revenue Secretariat.

S.R. File No. 26 of 1906

Serial No.	
	no excuses for making the loss 21/8/07 Draft sub'd & passed. 21.8.06
3	To the Dy Com'r Bangalore Dt No. A. 1773 dt. 27.8.06 forwards the petitions for an early report
4	From the Dy Com'r Bangalore Dt No. S 302 dt. 6.10.06 Reports on the petitions, and forwards the records relating to the case, received from the Amildar, Bangalore Taluk.

A document executed in 1873 was produced before the Amildar of Bangalore Taluk on 14th March 1904 in connection with a case of transfer of Patta of certain lands. The document was found to be a "deed of partition" & was impounded & sent to the Dy. Com'r who levied the deficit Stamp duty of Rs 15.8.4 and a penalty of Rs 15/- leaving to issue the deficit Stamp duty (vide Dy Comr. Mer

NOTE—Contn. sheet.

General and Revenue Secretariat.

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O.

Secretary of the Board of Revenue O.

P.

(Secretary Board's order No. 463. of 22nd Dec 1905.)

Thereupon the Assistant reported that the parties were too poor to pay the heavy penalty and pleaded its being reduced to Rs 10/- and the Mer Munshi who was then by. Comr declined to reconsider the order passed by his predecessor.

The parties have therefore petitioned Govt for the ~~refund~~ remission of the penalty - They have no objection to the levy of the amount of duty Rs 45-8-0.

Section 45 cl(1) of the Stamp Regn. II of 1900 authorizes the refund either wholly or in part of the penalty paid. As in the present case the amount of penalty has not been paid the levy has to be waived.

Submitted for orders

Fortunately it is free

7/8/06

NOTE—Contn. sheet

GPB—50,000—23-10-05

This section which stands in the way to of the petitioner. It only authorises the refund of the penalty actually paid and not the remission of a penalty still due. The omission of such a provision from the stamps act is purposive and was at the instance of the Select Committee which sat to report on the Bill to amend the stamps act in 1898. The only course left to the petitioner would seem to be to pay down the penalty and then ask for a refund. Brief may be consulted if govt can revise the order under Section 56.

MJ 13.10.05
13/10

The parties to the impugned deed of partition were the petitioners' father and uncle and not the petitioners, who are therefore not liable to pay × the penalty imposed, under Section 48 of the Stamps Regulation. Please put up the regulation &

MJ 24/10.

× except to the extent of the assets inherited by him ? 18/26/10.

GPB—50,000—23-10-05

General and Revenue Secretariat.

S R File No. 26 of 1906

Serial No.

Refer to precedents. Law.

25/10

No regulation is in the file. Please see Flag P. no precedents are available

25/10. Will Br III kindly favour with an expression of opinion on the 2 following points.

1). Whether under section 48 of the Stamp Act the petitioner who is no party to the partition deed can be rightly compelled to pay the duty and penalty levied & the collector under section 40(b).

2) And if so, Whether pet. can revise the order of the collector when the duty and penalty has not been paid -

B Seeniavasa Iyengar
26/10/06.

Read with letter

Submit for orders.

SW
26/10/06.

~~1) I do not see any thing to prevent~~

I think

1) The penalty may be levied from the ~~party~~ person who produces the document, but if he was not one of the parties to the partition deed or the successor in title to any such party he will under Sec. 44 be entitled to recover the amount from the persons named in Sec 29 (g).

(2) I do not think Sec 56(1) gives to Govt. the power to revise the Dy. Com's

NOTE—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]

General and Revenue Secretariat.

S/R File No. 26 of 1906

Serial No.

adv

Mr Ho Secy

Submitted for orders.

Taree

20/11/06

mm 21/11

Whether the Stamp Act is force in 1873? Put up copy of

Submitted to Secy

mm 7-12-06

The Stamp Act that was in force in Mysore in 1873 was the Act XVIII of 1869 (the Genl. Stamp Act) as altered to Mysore by the Govt. of India Note in the Foreign Dept. No. 13. J. of 18th January 1870

X.

Contained in Mysore Gazette. Vol VIII. Part II.

W

Taree

7.12.06

mm 8/12

Rule 13.12.6

The Govt. has, I am afraid, no power to act before the penalty has been actually paid. The party may be informed that he needs first pay the penalty in full

Note—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]

General and Revenue Secretariat.

File No. 26 of 1906

Serial No.

A letter applying to surrender S. 45(1) of the Stamp Act for a refund within one year of the payment. The first letter not intelligible but this is done. (Whether there is a case in which a substantial remission of the penalty would be nothing more than equitable; but this need not of course go into the endorsement)

23/1/06

Drafted

Done

29.12.06

30/1/06

A

5. To Doddaraja Pillaja

R. 5372 & 11.1.07.

Informs them that they should first pay the penalty in full & then apply de novo for refund under S. 45(1) of the Stamp Regulation & that Govt cannot interfere until this is done.

To - The Dy Com^r, Bangalore &c

R. 5373 & 11.1.07

Forwards copy of the above with reference to serial no. 4 -

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

Serial No.

Dated.

The Accountant General records requested by Bower with D. No. 4 have been returned to him as per list sent herewith for record.

Dy. No. 2911.

6 To Lt. D. C. Bangalore, No. 7L5992 9/12/07.

Returning the records received with his letter No. 3029 Dt. 4/8/06.

7-8-06

Circulation

D682

S.R. 26-06. 88.1

Recd from the … 13/8/06

10

[illegible]

[illegible] (175-00) [illegible]

170

[illegible]

42

8-8-90.

S.R. 26-06. సం.నం: 2.

0706

27

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

(S.C.)

Office Memorandum.

No. Rev 1773 Dated Bangalore, the 27-8-1906

84.26.00-3

* Subject.

Revision of the proceedings of the Deputy Commissioner, Bangalore District, in case No. 170-8-a

The accompanying Petition* Registered No. 68270 dated 13/8/06 received in this office, from Doddanarayya Puttiah & Hemmoor Village, Yeswanthpur Hobli, Bangalore Taluk

is forwarded to the Deputy Commissioner, Bangalore District for favour of [illegible] with a request that proceedings for the recovery of the fine may be stayed pending orders are passed by Govt. on the petition in the matter.

By Order,

For SECRETARY.

GPB—1,000—23-11-05.

D 1398

S-Q-26-06-88-24

1906-07.

From

The Deputy Commissioner
Bangalore District

To The Secretary to the
Government of Mysore
General & Rev: Depts

Dated 6th } October 1906
Despatched 8th }

Received

General No.

S. No. 302

Enclosure No. 1 file VP

Reporting on the petition
of Doduraja and
Puttia of Hennur
village, Bangalore
Taluk, regarding the
remission of penalty
on an insufficiently
stamped document.

S. No: 302

Bangalore District
Deputy Commissioner's Office
Bangalore 6th October 1906.

From,

H. H. Sparkes Esquire
Deputy Commissioner
Bangalore District.

To

K. S. Chendrasekhara Iyer Esqr B.A., B.L.
Secretary to the Government
of Mysore, General and
Revenue Departments.

Sir,

With reference to your Official Memorandum No: FL: 1773 F. R. 26-6-2, dated the 27th August 1906, calling for a report on the petitions of Doddanayja and Puttiah of Hemmoor village, Yesawantapur Hobli, Bangalore Taluk in re - the remission of the penalty of Rs 165 - un levied on a document in addition to the deficit Stamp duty, I have the honor to state that the bond in question, being a partition deed was executed on a Stamp

paper of annas eight instead of the same being written on a stamp paper of Rs 16, which was produced by the party before the Amildar in connection with the dispute of a puttah

2. The value of the subject matter of partition was reported to be Rs 1354.

3. The Amildar impounded the document being insufficiently stamped. This document was executed on the 24th May 1873. Under the rules then in force, my predecessor Mr. D. Devaraj ordered the levy of deficient stamp duty of Rs 15-8-0 and a penalty of Rs 155-0-0 being ten times the duty.

4. The records received from the Amildar of Bangalore Taluk with his report No: 145 dated the 7th September 1906, are herein enclosed along with the

original

Bangalore District

original document. The appeal petition is also returned herewith.

I have the honor to be,
Sir,
Your most obedient Servant,

H. H. Sparke
Deputy Commissioner
Bangalore District.

mm

ಪ್ರ 1398

ಸಂ 221

30/12/16

No H 5373
S.R 26-06-5
8/11-1-07

Copy forwarded to the Collector, Bangalore District with reference to his letter No 3024/S dtd 6.12.2006

By

Illegible
30/12/06
for Secretary

Illegible
29.12.06

Illegible

G.R.S. 26] 52

(6)

File No.

Serial No

ary No. of letter replied to _____

No. H 65792

21-2-07

General and Rev. Secretariat

( )

, *the* 19 Feb 07

Secy. Comm Baroda Corpn

Date of issue do

Signed by W Sinclair for Secy to Govt

With reference to the office memo No H 5373 - 8/4.26-05-5 of 11/1/07, regarding the permission of the Council of H.H. 1555- dated under the Social Regulation on a Document produced by Honour Nagaja, I have the honour to return herewith the record received with your letter no 3025

over.

SUBJECT.

List of enclosures,

Copied by

Examined by